

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

SPACE EXPLORATION TECHNOLOGIES
CORP.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:19-cv-00742-LKG

Judge Griggsby

ORBITAL SCIENCES CORPORATION'S MOTION TO INTERVENE

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims ("RCFC"), Orbital Sciences Corporation ("Orbital"), a subsidiary of Northrop Grumman Corporation, moves to intervene of right in the above-captioned bid protest. Plaintiff challenges the Department of the Air Force's award of three Launch Services Agreements ("LSAs") under the National Security Space Launch ("NSSL") program. Orbital seeks to intervene in the protest to protect its rights as an LSA awardee.

Orbital is entitled to intervene in this bid protest as a matter of right because it "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede [its] ability to protect its interest." RCFC 24(a)(2). Specifically, as an awardee now performing an LSA for the NSSL program, Orbital has a direct and immediate economic interest in the Court's resolution of the bid protest challenging the Air Force's award decision. Furthermore, although Defendant and Orbital share an interest in demonstrating the LSA award was proper, only Orbital can adequately protect its

particular interests in the LSA award it received and its specific competitive interests in the NSSL program.

Orbital meets the requirements of RCFC 24(a)(2) and requests that the Court grant its motion to intervene of right. *See Bannum, Inc. v. United States*, 96 Fed. Cl. 364, 378 (2010) (“The United States Court of Appeals for the Federal Circuit has advised that ‘the requirements for intervention are to be construed in favor of intervention.’”). Orbital has conferred with counsel for the Plaintiff and the Defendant, and neither opposes this motion.

Dated: May 22, 2019

Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Federal Claims by using the CM/ECF system on May 22, 2019, and that a copy of the foregoing was served this day on all parties via the Court's CM/ECF system.

A handwritten signature in black ink, reading "Kevin P. Mullen", written over a horizontal line.

Kevin P. Mullen